

(C) The fact that waiver of the individual's right to appear at a disqualification hearing may result in a disqualification penalty and a reduction in the assistance payment for the appropriate period even if the accused individual does not admit to the facts as presented by the State agency; and

(D) An opportunity for the accused individual to specify whether or not he or she admits to the facts as presented by the State agency.

(3) When the individual waives his or her right to appear at a disqualification hearing, the disqualification and appropriate reduction of assistance shall result regardless of whether the individual admits or denies the charges. The State agency shall send a written notice informing the individual of the period of disqualification (which shall begin no later than the first day of the second month which follows the date of notice), and the amount of payment the unit will receive during the disqualification period. If an individual whose case has been terminated waives his disqualification hearing rights, the disqualification period shall be postponed until after a reapplication for AFDC assistance is approved.

(d) *Court actions on consent agreements.* (1) Each State agency may establish procedures to allow an accused individual to sign an agreement confirmed by a court in which he or she admits committing an intentional program violation.

(2) State agencies that allow an individual to sign such an agreement shall follow these procedures:

(i) The State agency shall enter into an agreement with its Attorney General's Office or, where necessary, with county prosecutors which provides for advance written notification to the accused individual of the consequences of signing such an agreement. The written notification shall include, at a minimum:

(A) A statement for the accused individual to sign that he or she understands the consequences of signing the agreement, along with a statement that the caretaker relative must also sign the agreement if the accused individual is not the caretaker relative;

(B) A statement that signing the agreement will result in a reduction in

payment for the appropriate period; and

(C) A statement of which disqualification period will be imposed as a result of the accused individual signing the agreement.

(ii) After the court confirms the agreement, the State agency shall provide a written notice to the individual which specifies the period of disqualification (which shall begin no later than the first day of the second month which follows the date of notice), and the amount of payment the unit will receive during the disqualification period. However, if the court specifies the date for initiating the disqualification period, the State agency shall disqualify the accused individual in accordance with the court order. If an individual whose case has been terminated signs a consent agreement, the disqualification period shall be postponed until after a reapplication for AFDC assistance is approved.

[56 FR 64205, Dec. 9, 1991; 57 FR 5048, Feb. 11, 1992]

## PART 237—FISCAL ADMINISTRATION OF FINANCIAL ASSISTANCE PROGRAMS

AUTHORITY: Section 1102 of the Social Security Act (42 U.S.C. 1302); 49 Stat. 647, as amended.

### § 237.50 Recipient count, Federal financial participation.

Pursuant to the formulas in sections 3, 403, 1003, 1118, 1121, 1403, and 1603 of the Social Security Act, it is necessary to identify expenditures that may be included in claims for Federal financial participation. The quarterly statement of expenditures and recoveries which is required for OAA, AFDC, AB, APTD, and AABD must include, as a part of the basis for computing the amount of Federal participation in such expenditures, the number of eligible recipients each month. However, where the State is making claims under section 1118 of the Act or under optional provisions for Federal sharing specified in such paragraphs no recipient count is involved. Vendor payments for medical care may not be considered if the State has a plan approved under title XIX of

the Act. The procedures for determining recipient count are set forth in paragraphs (a), (b) and (c) of this section.

(a) *Adult assistance categories.* For each adult assistance category, under title I, X, XIV, or XVI, of the Act, the recipient count for any month may include:

(1) Eligible recipients who receive money payments or in whose behalf protective payments are made for that month:

*Provided,* That such payments are not excluded from Federal financial participation under the provisions of §233.145(c) of this chapter; plus

(2) Other eligible recipients in whose behalf payments are made for institutional services in intermediate care facilities for that month, but only in a State which does not have in effect a plan approved under Title XIX of the Act. (See §233.145(b)(2) of this chapter.)

(b) *AFDC category.* For the AFDC category under title IV, part A, of the Act:

(1) The recipient count for any month includes:

(i) Eligible recipients in families which receive a money payment, plus

(ii) Eligible recipients in families not otherwise counted on whose behalf protective or nonmedical vendor assistance payments are made for such month in accordance with the vendor payment provisions at §234.60, provided that such payments are not excluded from Federal financial participation under the provisions of §233.145(c) of this chapter.

(2) For the purpose of this provision, *recipients* means, if otherwise eligible:

(i) Children;

(ii) In a home with no parent who is the caretaker relative, an otherwise eligible relative of specified degree;

(iii) Parent(s);

(iv) The spouse of such parent, in the case of AFDC eligibility due to incapacity or unemployment;

(3) As used in paragraph (b)(2)(iii) of this section, the term *parent* means the natural or adoptive parent, or the step-parent who is married to the child's natural or adoptive parent and is legally obligated to support the child under a State law of general applicability which requires stepparents to sup-

port stepchildren to the same extent that natural or adoptive parents are required to support their children; and the term "spouse" as used in paragraph (b)(2)(iv) of this section means an individual who is the husband or wife of the child's own parent, as defined above, by reason of a legal marriage as defined under State law.

(4) Where there are two or more dependent children living in a place of residence with two other persons and each of such other persons is a relative who has responsibility for the care and control of one or more of the dependent children, there may be two AFDC families (assistance units), if neither family includes a parent or sibling included in the other family pursuant to §206.10 (a)(1)(vii).

(c) *Essential person.* An *essential person* or other ineligible person who is living with the eligible person may not be counted as a recipient.

[38 FR 32914, Nov. 29, 1973, as amended at 57 FR 30161, July 8, 1992]

## PART 250—JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM

### Subpart A—Purpose and Definitions

Sec.

250.0 Purpose.

250.1 Definitions.

### Subpart B—Administration

250.10 State IV-A agency administration.

250.11 Requirement for a statewide program.

250.12 Coordination and consultation.

250.13 Contracting authority.

### Subpart C—State Plan Requirements and Content

250.20 Requirement for a State JOBS plan.

250.21 State plan content.

### Subpart D—Participation Requirements, Exemptions and Sanctions

250.30 Requirements for individual participation and exemptions.

250.31 Volunteers.

250.32 Participation requirements for education.

250.33 Participation requirements for unemployed parents.

250.34 Sanctions.

250.35 Good cause.